

RE: Confidential: Viability of targeted listing in the Upper Animas Watershed

Peter Butler to: 'Fearn Engineering', 'William Simon', Forrest.Sabrina

11/06/2008 02:55 PM

From: "Peter Butler" <pbutler@wildblue.net>

To:

Well, my 2 cents worth is that ARSG's database is there for the public to use. If EPA wants to use it, they certainly can. In addition, if EPA wants to take samples around the basin, they obviously have the ability and right to do so.

I would be concerned that if EPA does their investigations without ARSG involvement, we don't have a say or a sense in what they are doing. If EPA really wants to pursue they're investigations, we want to be sure it is directed in an appropriate direction so that hopefully it can meet both some of our needs and theirs.

Peter Butler

970-259-0986

-----Original Message-----

From: Fearn Engineering [mailto:fearneng@rmi.net]

Sent: Thursday, November 06, 2008 2:16 PM

To: William Simon; Forrest.Sabrina@epamail.epa.gov;

pbutler@wildblue.net

Subject: RE: Confidential: Viability of targeted listing in the Upper Animas Watershed

Sabrina - I understand the "Charge" you were given, but -- I totally agree with Bill Simon - for me - as a mine owner and as part of the continuing effort to find the best economic and environmental model for our area - I think bringing Superfund to the district negates 14 years of effort on my part (totally volunteer). I believe the best plan is largely a private effort. Our community has not found a non-mining economic model that works since the Sunnyside mine was shut down. The Tourism is fine, but we have never been able to develop the economic density required to keep the community truly viable (as opposed to just surviving) from alternative ventures.

By removing the threat of 'listing' it has been possible to talk to other entities about obtaining the funding necessary to start new mining operations (all of which are located on existing sites requiring remediation). Bill is right, just the process of re-looking at listing will put a hold on or will kill these negotiations.

As you know, I have real reservations about the Targeted Superfund program without some further protective legislation.

EPA has been a partner in the past, and has recognized this basin as a type of experiment to see if we could find a better way than the Superfund program.

Steve

-----Original Message-----

>From: William Simon <wsimon@frontier.net>

>Sent: Nov 5, 2008 6:20 PM

>To: Forrest.Sabrina@epamail.epa.gov, pbutler@wildblue.net, fearneng@rmi.net

>Subject: RE: Confidential: Viability of targeted listing in the Upper Animas Watershed

>

>Sabrina, I support your giving this matter another try although I don't

>think the response will be too encouraging. Many, but not all, think

>digging around, even for specific "listing" data could significantly

>injure future mining possibilities. Bev Rich, upon returning from the

>Butte conference, said "wow, you sure can tell Butte is a Superfund

>town" stating our community is so much more involved with all aspects of

>the projects, particularly setting the direction. Personally I think

>EPA should be spending it's resources encouraging our independence and

>bottom up management as an alternative to the superfund 'opportunity'.

>EPA has done this in the past, started by Bill Yellowtail and supported

>by Ms Russell and yourself, and we hope that continues.

>

>I would like to invite your manager to come up and hear our concerns

>first hand. Bill

>

>-----Original Message-----

>From: Forrest.Sabrina@epamail.epa.gov

>[mailto:Forrest.Sabrina@epamail.epa.gov]

>Sent: Wednesday, November 05, 2008 12:33 PM

>To: pbutler@wildblue.net; wsimon@frontier.net; fearneng@rmi.net

>Subject: Confidential: Viability of targeted listing in the Upper Animas

>Watershed

>

>

>Hi all, I am seeking input and support from you all on a task my
>manager has given me that I won't be able to ignore. I have been
>struggling a bit on how to put this out to you.

>

>I have been tasked to find out if Superfund listing is even a
realistic

>option anymore given the cleanups that have taken place in various
parts

>of the watershed. Knowing some ARSG parties' and county members'
views,

>I want to reiterate that with targeted listing, there is still the
>potential for cleanup and re-mining/active mining to take place
>concurrently. Generally, if there are areas amenable to mining in
an

>environmentally sound manner, EPA will be supportive of that.

However,

>if there are waste piles and waters that are still impacting
overall

>water quality and the downstream targets, AND the community wants
them

>addressed but has no means to address them, then Superfund could
have a

>role. However, listing will NEVER happen without community input,
>support, and a governor's support letter.

>

>Essentially, I am asking that I be able to bring this topic back
to the

>ARSG table for discussion in November. I will have to let people
know

>that I can't ignore this; that I am being asked to begin looking
at

>available source data, surface water/sediment data, fisheries and
other

>target data, and attribution to possible source(s) to determine if
a

>targeted area would score preliminarily above 28.5. I have not
looked

>at any Animas watershed data with Hazard Ranking System eyes yet
either.

>Also, I don't know if the remediation of some areas has created
>significant data gaps, or if it might be that the source and
target data

>are too old to reliably put a defensible HRS score together.
>Realistically, I don't know if I have the time to put the data together,
>but would likely assign this to an HRS-expert with the URS staff and
>bring him to meet you all and see the area. I believe the upper Cement
>Creek sites are still the worse issues with regard to water quality
>improvements at the A72 compliance point and below, but as I have said
>in my targeted listing talks, the effects seen downstream have to be
>attributable to the sites/sources you want to target for cleanup. That
>needs serious data and evaluation to say with confidence, and so I think
>this is a wise outlay of resources on the front end. If listing is not
>viable, time and money can be put toward finding other solutions.
>
>This management need is based primarily on planning needs, for staff and
>cleanup resources, and annual requests for funds. They need to forecast
>what sites and how many in our region might get proposed to the NPL for
>the next few years to see if we have a significant queue started that
>will cause problems with actually getting money into the communities for
>cleanup. They also have to talk to the states about possible listings
>because the eventual O&M issues for those states that approve of moving
>sites forward in the listing process. Due to their need, doing this
>work also makes sense to me.
>
>I sincerely apologize but must reiterate that this does not mean
>Superfund is coming to the watershed. It just means that I need to
>spend some resources seeing if listing is even viable. A benefit of
>this is that we will know if listing could be a possible funding

source
>for water treatment, or if water treatment will be up to
landowners and
>a consortium to sort through.
>
>I look forward to your thoughtful input.
>
>Sincerely,
>
>Sabrina Forrest
>Site Assessment Manager
>U.S. Environmental Protection Agency
>1595 Wynkoop Street, Mail Code: 8EPR-B
>Denver, CO 80202-1129
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>E-mail: forrest.sabrina@epa.gov
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